

**FORM TO BE USED BY PRISONERS IN FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983
in the UNITED STATES DISTRICT COURT for the SOUTHERN DISTRICT of GEORGIA**

FILED
U.S. DISTRICT COURT
SOUTHERN DIV.

2021 DEC 9 AM 15

[Signature]
CLERK OF COURT

JOSEPH MCROBERTS

(Enter above full name of plaintiff or plaintiffs)

v.

SHERIFF JOHN WILCHER

MAJOR

BOYLES

CORPORAL

BOYLES

CV 421 350

(Enter above full name of defendant or defendants)

I. Previous lawsuits

A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action? Yes ___ No ☒

If your answer to A is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiffs: _____

Defendants: _____

2. Court (if federal court, name the district; if state court, name the county): _____

3. Docket number: _____

4. Name of judge assigned to case: _____

5. Disposition
(for example, was the case dismissed? appealed? is it still pending?):

6. Approximate date of filing lawsuit: _____

7. Approximate date of disposition: _____

8. Were you allowed to proceed *in forma pauperis* (without prepayment of fees)? Yes _____ No _____

- B. While incarcerated or detained in any facility, have you brought any lawsuits in federal court which deal with facts other than those involved in this action? Yes ☒ No _____

If your answer to B is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to previous lawsuit:

Plaintiffs: _____

Defendants: _____

2. Court (name the district):

3. Docket number: _____

4. Name of judge assigned to case: _____

5. Disposition
(for example, was the case dismissed? appealed? is it still pending?):

6. Approximate date of filing lawsuit: _____

7. Approximate date of disposition: _____
8. Were you allowed to proceed *in forma pauperis* (without prepayment of fees)? Yes _____ No _____

C. As to any lawsuit filed in federal court where you were allowed to proceed *in forma pauperis*, was any suit dismissed on the ground that it was frivolous, malicious, or failed to state a claim? Yes _____ No _____

1. If your answer to C is yes, name the court and docket number for each case:

_____	_____
_____	_____
_____	_____
_____	_____

II. Place of present confinement: CHATHAM COUNTY DETENTION CENTER

- A. Is there a prisoner grievance procedure in this institution? Yes ☒ No _____
- B. Did you present the facts relating to your complaint to the appropriate grievance committee? Yes ☒ No _____
- C. If your answer to B is yes:

1. What steps did you take? The problem with the grievance system is that I am banned from the KIPSK system for breaking one (1) due to Officers Deliberate Indifference and not responding to the simplest of tasks in an even moderately timely fashion. I now use paper forms which are never responded to.

2. What was the result? These Officers don't do anything. Frankly I believe they throw my Request/Grievance forms away. The Officers here are a waste of taxpayers dollars.

3. Did you appeal any adverse decision to the highest level possible in the administrative procedure? Yes ___ No X

If yes, what was the result? _____

- D. If you did not utilize the prison grievance procedure, explain why not: I am obstructed at every humanly possible avenue.

III. Parties

(In Item A below, list your name as plaintiff and current address. Provide the name and address of any additional plaintiffs on an attached sheet.)

- A. Name of plaintiff: _____
Address: _____

(In Item B below, list the defendant's full name, position, place of employment, and current address. Provide the same information for any additional defendants in Item C below.)

- B. Name of defendant: John Wilcher
Position: SHERIFF
Place of employment: Chatham County Detention Center
Current address: 1050 Carl Griffin Drive
Savannah, Georgia 31405

- C. Additional defendants: Major Boyles & Corporal Boyles
CHATHAM COUNTY DETENTION CENTER
1050 Carl Griffin Drive
Savannah, Georgia 31405

IV. Statement of Claim

State here as briefly as possible the FACTS in your case. Describe how each defendant is personally involved in the depriving you of your rights. You must include relevant times, dates, places, and names of witnesses. DO NOT GIVE LEGAL ARGUMENTS OR CITE ANY CASES OR STATUTES. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

The Sheriff and Major have set forth such restrictive rules and regulations for Defendants performing in a PRO-SE Capacity that it is essentially impossible to provide an adequate or even meria Defense on their behalf. Some such restrictions are that the PROGRAMS DEPARTMENT will only copy handwritten items, which prohibits the ability to produce documents with SUPPORTING EVIDENCE included. Further restrictions are the meager limitations allotted for Materials in which to produce such Defense. The weekly INDIGENT LEGAL KIT consists of One (1) writing tablet, One (1) Inmate flexible ink pen, and Five (5) pre-stamped envelopes. This is supposed to be sufficient, unless your granted an Order for "EXPANDED ACCESS." I have filed a Petition which has not been Ruled upon in a timely manner. All of this information is essentially a pre-cursor to the underlying issue.

I began requesting for a LEGAL BRIEF to be copied on October 3rd 2021 at approximately 3:20pm in Unit 1D of the Chatham County Detention Center for my Probation Revocation or Modification Hearing scheduled on November 4th 2021. I then began requesting verbally to the PROGRAMS DEPARTMENT associate for Large Envelopes and Stamps/Pastore in order to send the LEGAL BRIEF out. The response was this needed to be done through the COMMISSARY DEPARTMENT. I explained that this could not be achieved due to my indigent status AND MORE IMPORTANTLY the envelopes offered were NOT THE PROPER SIZE, this request was

repeated verbally for weeks and requests were also made verbally to have the Court called to expedite a Ruling upon my Petition, or to contact the County Attorney all such attempts were vehemently denied.

I then concocted a plan to alleviate the situation. I requested Five (5) Sheriff Entry of Service Forms in order to have such documentation PROCESS SERVED upon the appropriate parties. On the Morning of October 21ST, 2021 I began requesting verbally at approximately 10AM to have documents sent by this time I had decided this problem needed to be resolved and I would not lock down until this happened. Calls were placed and I was told the forms were being brought. I locked down and was allowed to keep my food service door opened until the issue was entirely resolved. At approximately 2pm CPL. BOYLES came to cell 12 in Unit 1 Delta of the Chatham County Detention Center and told me to close my food service door or he would spray me with Capacin Spray, using such device in a maliciously offensive manner. Prior to him spraying me I calmly and rationally explained the situation. Which was that I had been attempting to get LEGAL DOCUMENTS sent and had been for weeks. He did not listen as I requested to speak to his Superior and explained the numerous Laws he was breaking. The irritant in said spray is unbearable for approximately Twenty (20) minutes or so, however its irritant component lasts indefinitely. All this was on the Facilities Surveillance system as well as CPL. BOYLES Body Camera. The Fifth (5TH) form was brought at approximately 5:30pm at this time I again reiterated the fact that I would be unable to obtain envelopes from the COMMISSARY DEPARTMENT and even if I were, they weren't the correct size. I kept asking all day the next day to no avail. On October 23RD, 2021 at approximately 8:15am CPL. NOVAK advised me that the facility would not provide me with envelopes, which was technically the only obstacle in getting these documents delivered. I was adamant and continued complaining and on October 25TH, 2021 at

approximately 9:50 AM LT. MURPHY called the COMMISSARY DEPARTMENT, which agreed to bring envelopes, which did not happen that day. I then proceeded to make arrangements with an individual in here to purchase me envelopes for Three (3) of my trays. I resized said envelopes by carefully opening each Seal and retaping the envelopes with stickers from deodorants. I again attempted to have these documents PROCESS SERVED, although didn't get a response for days. On October 29TH, 2021 I explained to LT. MURPHY that I needed to have the CCSO STREET DIVISION contacted to have these documents physically transported to the recipients location. Between 10 AM and 11 AM LT. MURPHY went to accomplish this task and came back with Two (2) Social Services Counselors. These Three (3) individuals still did not understand the concept of what PROCESS SERVING is, how its done, or that as a PRO-SE DEFENDANT could utilize the Sheriffs Department in such a manner. Needless to say it was not done. On November 1ST, 2021 at approximately 8:15 AM Mrs. Crossley from the COMMISSARY DEPARTMENT came to say this, that they could finally furnish envelopes and postage after approximately Three and a half (3 1/2) weeks. I in an angry manner explained the fact that I had Court on the 4TH Day of November and that it was the 1ST and logically it could not be sent via the Postal Service. On the day of Court I explained to the Judge that due to her misconduct in not Ruling on my Petition in a timely manner I was unable to deliver my LEGAL BRIEF. To date I have only been able to send One (1) copy of my LEGAL BRIEF as I am writing this statement on the Seventeenth (17TH) day of November, 2021. Recently I have been relocated to Cell 25 in Unit 2 Delta and have a daily log of requests and interactions with staff, my current cell also has a surveillance camera in it.

I have missed a Deadline and been Assaulted, and still have not been able to get these documents sent. The suggested allowance will still take me

approximately One(1) to One and a half ($1\frac{1}{2}$) months to achieve this. This is unacceptable due to its Unconstitutional and Illegal nature. I have brought these matters to the attention of the Department of Justice, United States Marshalls Service, Attorney General, and others. And I may have been able to be released from confinement on the 4th Day of November 2021 if my LEGAL BRIEF were to have been recieved and reviewed in a timely manner.

V. Relief

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

As I have stated times and dates, I first and foremost must request a review of these claims via a thorough investigation. I must request a TEMPORARY RESTRAINING ORDER against CPL. BOYLES and for him to be prosecuted to the fullest extent possible. I would also seek punitive and compensatory damages, these would be set towards Two (2) separate Attorneys, One (1) for Civil matters and the other for my pending Criminal matters.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this _____ day of _____, 2021.

Prisoner No. _____

(Signature of Plaintiff)

IN THE SUPERIOR COURT OF CHATHAM COUNTY
EASTERN JUDICIAL CIRCUIT
STATE OF GEORGIA

STATE OF GEORGIA,)
PLAINTIFF,)
VS)
JOSEPH M ROBERTS,)
DEFENDANT,)

CASE NO. : SPCR20-03065-J3

CHARGES : INTERFERENCE WITH GOVERNMENT PROPERTY
CRIMINAL TRESPASS

AFFIDAVIT

COMES NOW, Joseph McRoberts whom duly swears and deposes, to the best of the affiants knowledge and belief that Corporal Boyles of the Chatham County Sheriffs did, in the County of Chatham and the State of Georgia, commit the Offenses of OCSA § 16-11-34 PREVENTING OR DISRUPTING LAWFUL MEETINGS, GATHERINGS, OR PROCEEDINGS, Misdemeanor, OCSA § 16-5-42 FALSE IMPRISONMENT UNDER COLOR OF LEGAL PROCESS, Felony, and OCSA § 42-4-5 CRUELTY TO INMATES, Felony TO WIT did willingly and knowingly spray Mr. McRoberts with Capacin Spray for refusing to close the service compartment of his cell door because the Defendant was attempting to resolve the matter of getting his Legal Brief sent to the proper parties, this was an on-going matter in which numerous parties have obstructed the PRO-SE INDIGENT DEFENDANT for over Three (3) weeks. This incident occurred on the 21ST Day of October, 2021 at approximately 12:00 PM at the Chatham County Detention Center, prior to being assaulted the Defendant calmly and rationally explained the situation and requested to speak to a Superior Officer which was blatantly ignored, all of this can be reviewed as there are numerous surveillance cameras and the Officers Body Camera. This incident occurred in Unit One (1) Delta of the Chatham County Detention Center. Corporal Boyles returned to the Defendants cell at approximately 03:00 PM to explain he had called PROGRAMS to resolve the issue. He

advised that PROGRAMS stated he had to place an INDIGENT ORDER through COMMISSARY which would not provide the proper size envelope to INDIGENT INMATES, further this was explained to the PROGRAMS DEPARTMENT prior that day and that the envelope that they do offer COSTS \$.50 Fifty Cents and is not large enough to actually fit the document. The Defendant has filed a PETITION FOR A TEMPORARY RESTRAINING ORDER against Corporal Boyles due to having his Father named as a Defendant in a Civil Proceeding in Case Number SPCV21-00701-AB for the reason of potential RETALIATORY PURPOSES. Further the Defendant in this case has filed a PETITION FOR UNFETTERED ACCESS TO LEGAL MATERIALS which was filed with the Superior Court Clerk on June 29TH, 2021 and to date has not been properly Ruled upon and said Ruling filed with the Clerk of Court in violation of Georgia Statute OCGAS 15-6-21(b)(1) to-wit: Corporal Boyles did use Capacin Spray on the Defendant for trying to get Legal Documentation sent to the proper parties in this case on the date of 10/21/21, in Chatham County, Georgia, the place of occurrence being 1050 CARL GRIFFIN DRIVE SAVANNAH, GEORGIA 31405 (CHATHAM COUNTY DETENTION CENTER) of which said Offenses being against the Laws of the State of Georgia.

THIS 21ST DAY OF OCTOBER, 2021

WITHOUT PREJUDICE UCC1-308

DEFENDANT
ADVOCATE
ACTIVIST

DATE: _____
- JOSEPH MCROBERTS, PO847083

CHATHAM COUNTY DETENTION CENTER

1074 CARL GRIFFIN DRIVE, UNIT 1D

SAVANNAH, GEORGIA 31405

NOTARY PUBLIC
OR OTHER
PERSON AUTHORIZED
TO NOTARIZE

DATE: _____

DATE AUTHORIZED UNTIL: _____

SEE CERTIFICATE OF SERVICE.

AUTHORITIES

16-11-34 PREVENTING OR DISRUPTING LAWFUL MEETINGS, GATHERINGS, OR PROCEEDINGS

- (a) A person who Recklessly or Knowingly commits any act which may reasonably be expected to prevent or disrupt a lawful meeting, gathering, or procession is guilty of a Misdemeanor.
- (b) This Code Section shall not be construed to affect the powers delegated to Counties or Municipal Corporations to pass laws to punish disorderly conduct within their respective limits.

16-5-42 FALSE IMPRISONMENT UNDER COLOR OF LEGAL PROCESS

When the arrest, confinement, or detention of a person by warrant, mandate, or process is manifestly illegal and shows malice and oppression an officer issuing or knowingly and maliciously executing the same shall upon conviction thereof be removed from office and punished by imprisonment for not less than One (1) nor more than Ten (10) years.

42-4-5 CRUELTY TO INMATES

- (a) No jailer by duress or other cruel treatment shall make or induce an inmate to accuse or give evidence against another; nor shall he be guilty of willful inhumanity or oppression to any inmate under his care and custody.
- (b) Any jailer who violates subsection (A) of this Code Section shall be punished by removal from office and imprisonment for not less than One (1) year nor longer than Three (3) years.

CERTIFICATE OF SERVICE

This is to hereby certify that I have this day served all parties with a copy of the foregoing by placing a True and Accurate copy in the United States Mail with adequate postage thereon to ensure delivery to the following:

SUPERIOR COURT JUDGE - LISA GOLDWIRE COLBERT

133 MONTGOMERY STREET
SAVANNAH, GEORGIA 31401

ADA - KATIE FITE-MAGYAR

133 MONTGOMERY STREET
SAVANNAH, GEORGIA 31401

SUPERIOR COURT CLERK - TAMMIE MOSLEY

133 MONTGOMERY STREET, SUITE 304
SAVANNAH, GEORGIA 31401

PUBLIC DEFENDER - AMBER ROBINSON

PO BOX 9176
SAVANNAH, GEORGIA 31412

UNITED STATES MARSHALLS SERVICE

125 BULL STREET, #333
SAVANNAH, GEORGIA 31401

THE DEPARTMENT OF JUSTICE

56 PARK OF COMMERCE BOULEVARD
SAVANNAH, GEORGIA 31405

THIS 21ST DAY OF OCTOBER, 2021

WITHOUT PREJUDICE UCC1-308

Joseph M. Roberts

DEFENDANT
ADVOCATE
ACTIVITY

- JOSEPH M. ROBERTS, PO802083
CHATHAM COUNTY DETENTION CENTER
1074 CARL GRIFFIN DRIVE, UNIT 1D
SAVANNAH, GEORGIA 31405

"WITHOUT FREEDOM THERE CAN BE NO HAPPINESS." SCHOPENHAUER FAMILY MOTO
"JUSTICE DELAYED IS JUSTICE DENIED."

TO: UNITED STATES MARSHALLS SERVICE[✓]
 FROM: JOSEPH MCROBERTS, PO807083
 RE: REQUEST FOR CONSULTATION
 CC: THE DEPARTMENT OF JUSTICE[✓], COUNTY COMMISSIONERS OFFICE,
 COUNTY ATTORNEYS OFFICE, SUPERIOR COURT JUDGE - LISA GOLDWIRE COLBERT,
ADA* KATIE FITE-MAGYAR

This memorandum is in reference to the reprehensible conduct of the Officers of the Chatham County Sheriffs Office. I have now been assaulted on Two (2) seperate occassions regarding incident involving LEGAL MAIL, one (1) such incident occurred on 10/21/21 at approximately 2pm in Unit 1D of the Chatham County Detention Center by CPL. BOYLES which involved refusal to send mail. The issue was again addressed on 10/23/21 at approximately 8:15AM in which CPL. NOVAK stated the facilities refusal to provide envelopes to send such LEGAL MAIL. The issue was again addressed on 10/29/21 between 10AM and 11AM by LT. MURPHY whom brought social services coordinator Mrs. Barnwell and counselor Mrs. Washington to address these issues whom were the wrong people to address the issues entirely. On Monday November 1st at approximately 8:15AM the commissary department came to announce that they would finally provide envelopes and postage for such document, However these documents were a LEGAL BRIEF for my November 4th, 2021 Court date this prohibited me from arguing such topic matter at said time. All such occurrences arise from the refusal of the PROGRAMS DEPARTMENT to make photo copies of this LEGAL BRIEF due to its containing SUPPORTING EVIDENCE of a printed nature versus that of a handwritten nature, this occurred on 10/3/21 at approximately 3:20PM. As of the date of this memorandum such documentation has still not been delivered due to the November 4th, 2021 proceeding being conducted via a TeleConference from the Chatham County Detention Center.

The second incident occurred on 11/5/21 for refusal to give me my
 (1)

Legal Correspondence, I discovered on 11/4/21 at approximately 4pm in the vestibule area of Unit 1 of the Chatham County Detention Center that I had mail. I at this time asked CPL. BOYLES if any of it was addressed to me which he responded in a condescending manner in which the retort was "I don't know", this probably wasn't true but I shall not make unfounded accusations. I did however inquire about these matters on the next shift and was told I did. At approximately 11pm I was told it could not be given to me that night due to the time in which was a lie as detainees and or inmates are permitted to be out of their cells until 12am. I was told by the CPL on duty that he assured me that I would receive such mail the next morning prior to him leaving, this did not happen. On 11/5/21 at the beginning of my recreation period I broached the topic of my LEGAL MAT⁴ to Officer Jones whom in an immediate and professional manner called to address the issue with LT. TODD at approximately 10:45AM. The response to said call was he would handle the matter later. I currently am on Administrative Segregation which requires all my movement to be conducted in restraints, I pointed out that since I was currently out in such a manner it would be the most efficient time to conduct such matters. I am allowed out of my cage for One (1) hour a day and addressed this situation at the beginning of such period, at the end of my time I said I would not lock down until I got my mail. I calmly explained that I watched him on a few separate occasions during my time out, and that he didn't appear to be doing anything. I further explained that I would in fact take more of his time and energy to not provide me with my LEGAL CORRESPONDENCES. I then refused to lock down and made LT. TODD and Officer Jones carry me to my cell which did in fact take more time and energy than providing me my legal correspondence. I again addressed the defiance of providing me my mail at the beginning of the next Shift, and did not receive said mail until approximately 12:30 AM on 12/6/21. At this time CPL. NOVAK brought the correspondence to my cell in Unit 1D,

opened the mail in front of me on-camera, then went to the vestibule area photocopied said documents, and brought me the photocopies. This procedure is not only completely improper but I have brought it to the attention of every Officer in this Unit, as well as addressing the Court with these concerns in Case Number SPCV21-00701-AB which still has yet to be addressed.

Further said LEGAL MAIL was all approximately One (1) month later than its post mark. I am a PRO-SE DEFENDANT and this severely obstructs my ability to produce ANY KIND OF DEFENSE, I would appreciate a consultation with One (1) of your Officers at the earliest possible convenience. I appreciate your time and consideration with regards to these matters.

RESPECTFULLY,
JOSEPH MCROBERTS

THIS 9TH DAY OF NOVEMBER, 2021

WITHOUT PREJUDICE UCC1-308

Joseph McRoberts

DEFENDANT
ADVOCATE
ACTIVIST

- JOSEPH MCROBERTS, PO807083

CHATHAM COUNTY DETENTION CENTER

1074 CARL GRIFFIN DRIVE, UNIT 1D

SAVANNAH, GEORGIA 31405

"THERE IS NOTHING TO FEAR EXCEPT THE PERSISTENT REFUSAL TO FIND OUT THE TRUTH"-DOROTHY THOMPSON

"WITHOUT FREEDOM THERE CAN BE NO HAPPINESS."- SCHOPENHAUER FAMILY MOTTO

"JUSTICE DELAYED IS JUSTICE DENIED."

SEE CERTIFICATE OF SERVICE.

CERTIFICATE OF SERVICE

This is to hereby certify that I have this day served all parties with a copy of the foregoing by placing a True and Accurate copy in the United States Mail with adequate postage thereon to ensure delivery to the following:

US MARSHALLS SERVICE

125 BULL STREET #333

SAVANNAH, GEORGIA 31401

CHATHAM COUNTY COMMISSIONERS OFFICE

124 BULL STREET #210

SAVANNAH, GEORGIA 31401

THE DEPARTMENT OF JUSTICE

56 PARK OF COMMERCE BOULEVARD

SAVANNAH, GEORGIA 31405

CHATHAM COUNTY ATTORNEYS OFFICE

ADAM KATIE FITE-MAGYAR

133 MONTGOMERY STREET, ROOM 600

SAVANNAH, GEORGIA 31401

SUPERIOR COURT JUDGE - LISA GOLDWIRE COLBERT

133 MONTGOMERY STREET,

SAVANNAH, GEORGIA 31401

THIS DAY OF NOVEMBER, 2021

WITHOUT PREJUDICE UCC 1-308

Joseph McRoberts

DEFENDANT
ADVOCATE
ACTIVIST

- JOSEPH MCROBERTS, PO807083

CHATHAM COUNTY DETENTION CENTER

1074 CARL GRIFFIN DRIVE, UNIT 1D

SAVANNAH, GEORGIA 31405

TO: CLERK OF THE UNITED STATES DISTRICT
COURT, SAVANNAH DIVISION

PO BOX 8286

SAVANNAH, GEORGIA 31412



FOREVER / USA



FOREVER / USA



FOREVER / USA

"THERE IS NOTHING TO FEAR EXCEPT THE PERSISTENT REFUSAL TO FIND THE TRUTH." - DOROTHY THOMPS

RECEIVED

U.S. Marshall Service
Savannah Branch

FROM: TIMMIE - JOSEPH M ROBERTS, 10807083
CHATTAHOCCHIE DETENTION CENTER
1074 CARL GRIFFIN DRIVE, UNIT 1D
SAVANNAH, GEORGIA 31405

Chatham County Sheriff's Complex
This letter is being mailed by an inmate
housed in this correctional facility. The
administration has not reviewed the contents.